



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/054,180 04/01/98 REISTAD

B 06543035001

EXAMINER

LM12/0310

GARY A WALPERT  
FISH & RICHARDSON  
225 FRANKLIN STREET  
BOSTON MA 02110-2804

CRECCA, M

ART UNIT

PAPER NUMBER

2765

DATE MAILED:

03/10/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/054,180

Applicant(s)

REISTAD ET AL.

Examiner

Michele S. Crecca

Art Unit

2765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 12/14/99 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 17) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: \_\_\_\_\_

Art Unit: 2765

## **DETAILED ACTION**

### ***Response to Amendment***

1. The proposed reply filed on December 16, 1999 has been entered.
2. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. (US 5,794,207).

Claim 1: Walker et al. teaches "an electronic commerce system" (title and abstract) comprising:

"a client computer" (fig. 1, references 400/450);

"a server computer"(fig. 1, reference 200);

"the client computer and the server computer being interconnected by a public packet switched communications network" (col. 11, lines 58-63);

Art Unit: 2765

"the client computer being programmed to transmit to the server computer an order acceptance request comprising a plurality of terms or conditions" (col. 16, lines 12-45);

"including multiple options" (col. 16, lines 28-37); and

"the server computer being programmed to process the order acceptance request based on pre-programmed criteria...to transmit to the client computer an order acceptance response comprising amendment to the proposed offer for the purchase..." (col. 22, line 40 – col. 23, line 5).

Claim 2: Walker et al. teaches "an electronic commerce system" (title and abstract) comprising:

"a client computer" (fig. 1, references 400/450);

"a server computer"(fig. 1, reference 200);

"the client computer and the server computer being interconnected by a public packet switched communications network" (col. 11, lines 58-63);

"the client computer being programmed to transmit to the server computer an order acceptance request comprising a plurality of terms or conditions" (col. 16, lines 12-50); and

"the server computer being programmed to process the order acceptance request based on pre-programmed criteria...to transmit to the client computer an order acceptance response comprising amendment to the proposed offer for the purchase..." (col. 22, line 40 – col. 23, line 5);

"including an amended price" (col. 22, lines 62-63).

Art Unit: 2765

Claim 3: Walker et al. teaches "an electronic commerce system" (title and abstract) comprising:

"a client computer" (fig. 1, references 400/450);

"a server computer"(fig. 1, reference 200);

"the client computer and the server computer being interconnected by a public packet switched communications network" (col. 11, lines 58-63);

"the client computer being programmed to transmit to the server computer an order acceptance request comprising a plurality of terms or conditions" (col. 16, lines 12-45);

"the order acceptance request...protected by cryptographic security codes" (col. 23, line 65 – col. 25, line 54);and

"the server computer being programmed to process the order acceptance request based on pre-programmed criteria, including authentication of the cryptographic security codes...to transmit to the client computer an order acceptance response based on the pre-programmed criteria" (col. 22, line 40 – col. 23, line 5 and col. 23, line 65 – col. 25, line 54).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US patent by Klingman (5,799,285) shows an electronic commerce system with buyer/seller negotiating capabilities (co. 13, beginning with line 14).

US patent by Sirbu et al. (5,809,144) shows an electronic commerce system with price negotiating features (see abstract).

US patent by Ferstenberg et al. (5,873,071) shows an exchange system using an electronic intermediary for facilitating negotiations.

Art Unit: 2765


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Crecca whose telephone number is (703) 305-0438. The examiner can normally be reached Monday – Friday from 7:00 – 4:30, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen MacDonald, can be reached at (703) 305-9708.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Information faxes for this Art Unit can be submitted to (703) 308-5357).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

MSC  
February 29, 2000

  
ERIC W. STAMBER  
PRIMARY EXAMINER